

# EXHIBIT 5



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# Transcript of Christina Jesse

**Date:** September 13, 2017

**Case:** United States of America, et al. -v- HCR ManorCare, Inc., et al.

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Transcript of Christina Jesse  
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4 (13 to 16)

1     Q. And where were these documents until  
2 you gave them to the government yesterday?

3     A. They were in my possession.

4     Q. And did anybody ever ask you for them  
5 prior to yesterday?

6     A. No, sir.

7     Q. Did -- did Becky Clearwater ever ask  
8 you if you had any notes from your review?

9     A. She did not ask me. I probably  
10 provided her -- they all were aware that I kept  
11 notes.

12    Q. Okay. And when you say they all, do  
13 you mean the entire review team?

14    A. Yes.

15    Q. And was -- were the other reviewers  
16 on the review team also maintaining similar  
17 documentation?

18    A. I can't tell you what they did. I'm  
19 not aware of what they did.

20    Q. How were the other reviewers aware  
21 that you were keeping notes?

22    A. Because I told them, I told them I

14    1 keep notes. And then when, you know, we went back  
2 for supplemental documentation, I was able to go  
3 back to my notes, and I know some of them  
4 commented I wish I had had notes. So that's  
5 how -- that's one of the ways they knew.

6     Q. Okay. So you're certain in your  
7 mind, though, that Becky Clearwater knew that you  
8 had this work product, these rough notes from your  
9 first cut through the documents while you were  
10 waiting for supplementals, and then you used them  
11 again when you got the supplemental documents?

12    A. Yes.

13    Q. Okay. Were you aware that Becky  
14 Clearwater was deposed in this case?

15    A. Yes.

16    Q. Have you spoken to her since her  
17 deposition?

18    A. No.

19    Q. Okay. Not at all?

20    A. Well, yes, but not related to --  
21 she's my boss, I have to speak to her.

22    Q. Okay.

15    1 A. And my birthday was last week and she  
2 called and wished me happy birthday.

3     Q. Well, happy birthday.

4     A. Thank you. Yeah, but other than just  
5 regular -- I haven't talked to her much, but, yes,  
6 I've talked to her.

7     Q. Any conversation about the deposition  
8 at all?

9     A. No.

10    Q. Now, so what you're saying is you  
11 have these documents, nobody asked you for them  
12 until yesterday, you're not sure whether the other  
13 reviewers have similar documents?

14    A. I don't believe they do, but, again,  
15 I can't speak for other people, so I don't know  
16 for a fact.

17    Q. When you were working with the other  
18 reviewers, were you all remote or were you ever  
19 all in the same place, same physical place?

20    A. I work out of a remote office. Becky  
21 works out of a remote office. Marna works in the  
22 office in Nashville, and Donna and Suzanne I

16    1 believe are both remote.

2     Q. Okay.

3     A. So, no, I have not worked -- I've not  
4 been in the same vicinity of any of them this  
5 entire time.

6     Q. And, Ms. Jesse, when you say remote,  
7 do you mean home?

8     A. Yes.

9     Q. So do you have like the equivalent of  
10 a home office?

11    A. Yes.

12    Q. And is that where these documents  
13 were, these two Redwells of documents?

14    A. Yes, in a locked filing cabinet.

15    Q. All right. And, again, nobody asked  
16 you for them until yesterday?

17    A. No.

18    Q. Okay. These documents are not  
19 numbered because they haven't been formally  
20 produced in the case, so I'm going to do my best.  
21 There's just a couple I want to ask you about  
22 because obviously I haven't been through these two

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5 (17 to 20)

17

1 Redwells because I just got them. I'm going to  
2 ask you about a couple of them, so we have to mark  
3 the ones we're going to ask you about.

**4 A. Okay.**

5 Q. And then we'll figure out some  
6 subsequent way to get these produced.

7 MS. CENDALI: Can we mark copies of  
8 the originals?

9 MR. DUBELIER: I don't care. Do you  
10 have a paper copy set?

11 MS. CENDALI: No, I don't.

12 MR. DUBELIER: Well, then we can't.

13 MS. CENDALI: Okay.

14 MR. DUBELIER: Let's start with 1190.

15 (Thereupon, Deposition Exhibit No.  
16 1190, multiple pages, the first titled SNF Review,  
17 was marked for purposes of identification.)

18 BY MR. DUBELIER:

19 Q. Thank you. Ms. Jesse, we only have  
20 one copy of these because we only have the  
21 originals. So the document we just marked as  
22 1190, is this a template that you prepared for

1 this review?

**2 A. No. This is a template I use for  
3 most of my reviews.**

4 Q. Okay. So nothing was different about  
5 this template other than the template you  
6 typically used for your reviews?

**7 A. Right.**

8 Q. And do you know whether or not any of  
9 the reviewers were also using this template?

**10 A. I do not know their process, so I  
11 can't tell you that.**

12 Q. Now, for each one of these paper  
13 clipped files that are in here, would that be the  
14 entirety of your notes for that specific patient?

**15 A. Yes.**

16 Q. And is this just for the patients  
17 that you did the original review on or is it for  
18 patients that you did second-level review?

**19 A. Are you talking about QA?**

20 Q. Yes, QA.

**21 A. No. QA documents, unless I had a  
22 question that I felt I needed to take notes about**

19

1 it, I would not have produced that. I wouldn't  
2 have written anything about that case. Generally,  
3 QA documents, I didn't do anything like this. I  
4 think there are some QA things in there with logs  
5 and whatnot, but other than that, there's nothing  
6 note-wise for QA, I guess.

7 Q. Now, Ms. Jesse, when you were doing  
8 QA, would you just open a Word document that was  
9 the document done by another reviewer?

**10 A. I would open a Word document, but I  
11 also -- depending on the review and the questions  
12 that I had as I went through the document, it may  
13 need -- I may need to go into the document and ask  
14 questions that way and get on the phone with the  
15 reviewer and see, you know, where my questions are  
16 and et cetera.**

17 Q. Now, with respect to those type of  
18 questions, how were those questions communicated  
19 with the original reviewer?

**20 A. We would converse on the phone. A  
21 lot of our discussions about QA occurred on the  
22 phone, but we also did track changes in the QA**

18

1 document. I think some were via e-mail. I know  
2 as we got further into the case where we had a lot  
3 of records, we started -- we thought it would be a  
4 better process to use our drive to, you know,  
5 indicate what our QA comments are via track  
6 changes and then have that reviewer go in where --  
7 you know, we would ask questions to each other, we  
8 would go back and forth, et cetera, and then the  
9 reviewer would address those questions, and, you  
10 know, et cetera, and then fix, you know, what  
11 changes needed to be made.

12 Q. Now, Ms. Jesse, do you know, would  
13 you always simply maintain one Word document or  
14 would the reviewer people doing edits actually  
15 create another Word document and put the changes  
16 in there? And if that sounds like a dumb question  
17 to you, I apologize; that's based on my remedial  
18 understanding of how these things work.

**19 A. Well, I'm just trying to remember,  
20 because I've had a lot of different reviews since  
21 then.**

22 Q. That's okay.

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6 (21 to 24)

	21		23
1     A. So I'm just trying to remember		1     Do you know if you QA'ed any of hers?	
2 exactly what we did. I think we used one document		2     A. I believe the first -- are you	
3 and put our initials behind it when we made		3 talking about the first 30?	
4 changes, and then the final document went into a		4     Q. Sure.	
5 final folder.		5     A. Those first 30, I believe we all	
6     Q. And when you say put your initials		6     QA'ed each other's work. So we all -- like, you	
7 behind it, how does that work?		7     know, I would look at Becky's, I would look at	
8     A. So if, if Becky is the reviewer,		8     Marna's, and Marna would look at mine, Becky would	
9 then, Becky, you know, has the reviewer's name and		9 look at mine, et cetera.	
10 puts her initials behind it. If I'm the person		10     Q. When you're communicating to each	
11 who QAs it, I go behind her and put my initials		11 other through either red line, comment boxes, or	
12 behind it. And then if Marna QAs it as well, she		12 on the telephone, how do inconsistencies get	
13 would go behind and put her initials behind it.		13 reconciled? For instance, if you have a question,	
14     Q. I'm trying to understand when you say		14 how does that get resolved?	
15 put initials behind, what does that mean as a		15     A. Well, if I QA'ed Becky's and I had a	
16 technical matter, where are -- where do those		16 question for Becky, I would let her know, you	
17 initials appear?		17 know, Becky, I QA'ed John Doe and I have a	
18     A. I'm sorry. They appear in the title		18 question, and, you know, can you answer my	
19 of the document.		19 question. Or I would say the QA is complete, and	
20     Q. I see.		20 she would go out and find it and say, oh, she had	
21     A. So when we do a save as, you're going		21 questions. Because the end product, the final	
22 to save as the name with the initials. Sorry, I		22 product, goes back to the original reviewer, so	
	22		24
1 assumed -- sorry.		1 they're going to look at all of the questions and	
2     Q. No, that's okay.		2 concerns that each of the other reviewers had and	
3     A. Yeah.		3 then, you know, determine what changes they need	
4     Q. And so do you know in the AdvanceMed		4 to make.	
5 system, would that then change it and save it as a		5     Q. And, then, do you know at the end of	
6 new document or would it simply you've changed the		6 that process, was there a final final review by	
7 name, you've put a slash and put your initials		7 Becky Clearwater of all of them?	
8 after it?		8     A. Of all 30?	
9     A. I think it saves it as the original		9     Q. No, of all 180.	
10 document and just saves over it, but I am not an		10     A. Well, it's my understanding that	
11 IT person at all, so I'm not positive.		11 Becky went through all of, all of the files. I	
12     Q. Okay. Fair enough. Now, you said		12 mean, I didn't physically see her do it; but it's	
13 you were using track changes?		13 my understanding that, yeah, every decision was	
14     A. Yes.		14 her decision.	
15     Q. Did the other reviewers use track		15     Q. Okay. And I understand, but let's	
16 changes as well?		16 drill down and see what that means. And that is,	
17     A. Yeah.		17 were there anywhere you were responsible for doing	
18     Q. And what about comment boxes?		18 the final QA and then Becky Clearwater made	
19     A. Yes, we used those. That's how we		19 changes after that?	
20 asked the questions.		20     A. I don't know because she didn't -- I	
21     Q. All right. And were -- did you do		21 mean, I don't think she was allowed to talk to me	
22 any reviews on any of Becky's original reviews?		22 about anything after the fact because it's her	